

401 KAR 57:002. 40 C.F.R. Part 61 national emission standards for hazardous air pollutants.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. 61.01-61.139, 61.160-61.358, 42 U.S.C. 7401, 7412, 7414, 7416, 7601, 7602

STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-100, 224.20-110, 224.20-120, 42 U.S.C. 7401, 7412, 7414, 7416, 7601, 7602

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes the Environmental and Public Protection Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation adopts the National Emission Standards for Hazardous Air Pollutants (NESHAP) codified in 40 C.F.R. 61.01 through 61.139 and 61.160 through 61.358. Delegation of implementation and enforcement authority for the federal NESHAP program from the United States Environmental Protection Agency to the Commonwealth of Kentucky is provided under 42 U.S.C. 7412(l).

Section 1. Definitions. (1) "Administrator" means the Secretary of the Environmental and Public Protection Cabinet unless a specific provision of the Part 61 NESHAP states that the United States Environmental Protection Agency retains enforcement authority.

(2) "Part 61 NESHAP" means the National Emission Standards for Hazardous Air Pollutants codified in 40 C.F.R. 61.01 through 61.139 and 61.160 through 61.358, Subparts A through L and N through FF.

Section 2. Applicability. This administrative regulation shall apply to sources subject to 40 C.F.R. 61.01 through 61.139 and 61.160 through 61.358, Subparts A through L and N through FF. These sources shall comply with the following:

(1) The applicable provisions codified in 40 C.F.R. 61.01 through 61.19 (Subpart A), "General Provisions";

(2) The applicable methods, procedures, and reporting requirements codified in 40 C.F.R. Part 61, Appendices A through E; and

(3) The applicable Part 61 NESHAP. (25 Ky.R. 2037; 2582; 26 Ky.R. 49; eff. 7-14-1999; 28 Ky.R. 1178; 1889; 2019; eff. 3-18-2002; 29 Ky.R. 2973; 30 Ky.R. 587; eff. 9-10-2003; 31 Ky.R. 399; eff. 1-4-2005; 33 Ky.R. 4227; 34 Ky.R. 594; 969; eff. 11-14-2007; Crt eff. 9-12-2018.)